United States District Court

NORTHERN DISTRICT OF CALIFORNIA

Venue: San Francisco THERN U.S. DISTRICT COURT

AND AINT

UNITED STATES OF AMERICA

Name & Title of Judicial Officer

SERGIO RAMOS-GARCIA, a/k/a Carlos Franco-Sigala

CASE NUMBER:

			3 07 70527			
I, the undersigned	d complainant be	ing duly sworn	, state the following	ng is true and correct to)	
the best of my kn	owledge and bel	ief. On or abou	at <u>July 30, 2007</u> in	n San Mateo County,	in the	EDL
Northern	District of	California	defendant(s) d	id,		
	the Attorney Gene			I, enter, attempt to enter, a did not expressly conse		
in violation of Ti	tle <u>8</u> United	States Code, S	section(s)	1326		
I further state tha	t I am a(n)	Deportation Of Official Title		this complaint is based	i on the	
following facts:						
See Attached Aff	idavit, Incorpora	ited And Made	A Part Hereof.			
	undred fifty tho	isand (\$250,00		vo (2) years and/or a fir e-hundred (\$100.00) detial deportation.		an two
APPROVED AS TO	O FORM:	Denise Marie Ba ASSISTANT UN	rton (7) ITED STATES ATT	ORNEY		
Continued on the	attached sheet a	nd made a part	hereof: 🛛 Yes	□No		
Warrant of Arres Bail	t Requested: UY Amount: <u>NO BA</u>		Signature	U. Kand f Complainant		
Sworn to before	me and subscribe	ed in my presen	ce,			
Date	7 20	7_ at	San Francisco C	, California ity and State	_	
Honorable Eliza	-		2200	1 Leant	-	

Signature of Judicial Officer

STATE AND NORTHERN DISTRICT OF CALIFORNIA)	
) ss, AFFIDAV	ΙT
CITY AND COUNTY OF SAN FRANCISCO)	

The undersigned, being duly sworn, do hereby state:

I. INTRODUCTION

- 1. My name is Polly E. Kaiser, and I have been a Deportation Officer with the United States Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS) for approximately four (4) years. I am currently assigned under the Field Office Director, San Francisco, California (FOD/SF) in the Detention and Removal Operations (DRO) division. I am presently attached to the Prosecutions Unit of the Criminal Alien Program, a group that is responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally, including Title 8, United States Code, Section 1326: Alien Found in the United States Following Deportation.
- 2. I am applying for an arrest warrant for SERGIO RAMOS-GARCIA a/k/a Carlos Franco-Sigala for violating Title 8, United States Code, Section 1326: Alien Found in the United States Following Deportation. Section 1326 makes it a crime for an alien, having previously been denied admission, excluded, deported, or removed, to enter, attempt to enter, or be found at any time in the United States if the Attorney General or Secretary of Homeland Security did not expressly consent to a reapplication by the alien for admission into the United States.
- 3. As set forth below, I believe that there exists probable cause to support a complaint against and arrest warrant for SERGIO RAMOS-GARCIA a/k/a Carlos Franco-Sigala for a violation of Title 8, United States Code 1326. The facts set forth in this Affidavit are based on my review of the official Immigration Service file (A70 114 756) of SERGIO RAMOS-GARCIA a/k/a Carlos Franco-Sigala, my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all facts relating to RAMOS-GARCIA that are known to me.

II. STATEMENT OF PROBABLE CAUSE

4. SERGIO RAMOS-GARCIA a/k/a Carlos Franco-Sigala is a forty-seven (47) year-old male, native and citizen of Mexico. The official Immigration Service file for RAMOS-GARCIA contains fourteen (14) executed Warrants of Removal. The most recent Warrant of Removal indicates that RAMOS-GARCIA was last removed from the United States to Mexico at San Ysidro, California on October 29, 2004. The other Warrants of Removal show that RAMOS-GARCIA was removed from the United States to Mexico at San Ysidro, California on April 28, 2004, April 1, 2004 and March 25, 2004; at Calexico, California on January 28, 2004; at Otay Mesa, California on January 25, 2004, November, 23 2003, October 28, 2003 and October 2,

1996; and at Nogales, Arizona on October 3, 2003, July 31, 2003, March 6, 2003, February 27, 2001 and July 25, 1997.

- 5. On July 30, 2007, Immigration and Customs Enforcement Officers were contacted by officers at the San Mateo County Jail advising that RAMOS-GARCIA had been arrested by the Redwood City Police Department on July 28, 2007. On July 30, 2007, an Immigration Detainer was placed on RAMOS-GARCIA.
- 6. On August 23, 2007, I interviewed RAMOS-GARCIA at the Bureau of Immigration and Customs Enforcement District Office in San Francisco, California. After he was advised of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, RAMOS-GARCIA waived his rights and provided a sworn statement in which he admitted that he was a citizen of Mexico and that he had been previously deported. According to RAMOS-GARCIA, he last entered the United States illegally by crossing the international border on or about May 1, 2007 at or near San Ysidro, California without first having obtained the consent of the Attorney General of the United States or United States Secretary of Homeland Security. This interview was witnessed by Immigration Enforcement Agent Danielle Lawton.
- 7. On August 27, 2007, the Federal Bureau of Investigation (FBI) Special Processing Center confirmed that the fingerprints submitted from RAMOS-GARCIA's fingerprint card taken August 23, 2007; his Sworn Statement dated August 23, 2007; and his Warrants of Deportation dated October 2, 1996, July 25, 1997, February 27, 2001, March 6, 2003, July 31, 2003, October 3, 2003, October 28, 2003, November 23, 2003, January 25, 2004, January 28, 2004, March 25, 2004, April 1, 2004, April 28, 2004 and October 29, 2004 are all identical to each other and to the fingerprints on file with the FBI, FBI number 690004VA2.
- 8. There is no indication in the official files of the United States Bureau of Immigration and Customs Enforcement that the defendant has applied for, or been granted the requisite permission to re-enter the United States from either the Attorney General of the United States or the Secretary for Homeland Security. Further, in his sworn statement RAMOS-GARCIA stated that he had not applied to the Attorney General or Secretary of Homeland Security for permission to re-enter the United States after deportation.

III. CONCLUSION

9. On the basis of the above information, I submit that there is probable cause to believe that SERGIO RAMOS-GARCIA a/k/a Carlos Franco-Sigala, illegally reentered the United States following deportation without permission to re-enter the United States from the Attorney General or Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326.

Polly B. Kaiser

Deportation Officer U.S. Department of Homeland

Security

U.S. Immigration and Customs Enforcement

San Francisco, California

Subscribed and sworn to before me this ______ day of September 2007.

The Honorable Elizabeth D. Laporte United States Magistrate Judge Northern District of California

San Francisco, California